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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Richard C. Woodbridge, Esq.
Synnestvedt Lechner & Woodbridge, LLP
P.O. Box 592
Princeton, NJ 08542-0592

EXAMINER	
PHAM, TAMMY T	

ART UNIT	PAPER NUMBER
2629	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/625,579	OLDFIELD, GRAHAM	
	Examiner	Art Unit	
	Tammy Pham	2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 May 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *16 May 2007* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Independent claims 1, 10, 17, 18 have been amended. Claims 1-18 are pending.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8, 10-18 are rejected under 35 U.S.C. 102(b) as being anticipated by DOYLE (US Patent No: 4,847,604).

As for independent claims 1, 10, 17-18, DOYLE teaches of a computing device *(Fig. 1, item 10)* and method adapted to establish which control area *(Fig. 1, items 21)* shown on a display *(Fig. 1, item 11)* of a computing device *(Fig. 1, item 10)* has been selected by a user in *Fig. 1 and in column 5, lines 35-40,* the device and method comprising the steps of: (a) representing each of a set of device control actions *(Fig. 2, item 26)* by a single different color *(Fig. 2, item 27)* from one- a set of unique colors using a predefined lookup table *(Fig. 2, items 25-27);* (b) associating each of a plurality of selectable control areas *(Fig. 1, item 21)* of the display *(Fig. 1, item 11)* with only one of the different colors *(Fig. 2, item 27)* in a color mask *(Fig. 2, item 27);* (c) storing the color mask (*Fig. 2, item 27)* in a memory *(Fig. 1, item 16)* of the computing device *(Fig. 1, item 10);* (d) generating a set of co-ordinates *(Fig. 2, item 25)* for a contact location *(Fig. 1, item 23)* on the display *(Fig. 1, item 11)* while the color

mask *(Fig. 2, item 27)* is not displayed on the display *(Fig. 1, item 11);* (e) retrieving the color mask color *(Fig. 2, item 27)* by obtaining the color *(Fig. 2, item 27)* assorted with a pixel *(not shown)* in the color mask *(Fig. 2, item 27)* at a location *(Fig. 1, item 23)* corresponding to the set of co-ordinates *(Fig. 2, item 25);* and (f) establishing the control area *(Fig. 1, item 21)* and the device control action *(Fig. 2, item 26)* which is associated with the same color *(Fig. 2, item 27)* as the retrieved color in *Figs. 1-2 and in column 8, lines 10-25. (NOTE: In essence, throughout Figs. 1-2 of DOYLE; the position each item (21) in the display (11) is represented by a unique color map (25) which corresponds to a specific index; which in turn corresponds to a unique sting (27) associated with the unique item (21) in the display). (NOTE: Applicant states that any color combination can be used, as long as each region in the color mask has a unique value (section [0052]). Hence, DOYLE meets the claim limitations in teaching that the color combinations (Fig. 2, the combination of indexes and colors which represent items SEG. 1-3) can be used since each region of the color mask (Fig. 2, item 27) has a unique value (each index is uniquely matched up with a unique pointer)).*

As for claims 2, 11, DOYLE teaches that the color mask (Fig. 2, item 27) is obtained using a bit map (Fig. 2, item 25) of the control areas (Fig. 1, item 21) in Figs. 1-2 and in column 7, lines 33-36.

As for claims 3, 12, DOYLE teaches that the lookup table (Fig. 2) of the set of unique colors is stored in device memory (Fig. 1, item 16), together with a reference to each associated selectable control area (Fig. 1, item 21) in Figs. 1-2 and in column 5, lines 64-67.

As for claims 4, 13, DOYLE teaches that each of the unique colors in the table (Fig. 2) is represented as an unsigned integer in Fig. 2.

As for claims 5, 14, DOYLE teaches that each of the unique colors in the color mask (Fig. 2) is represented as an unsigned integer and the unsigned integer representing the color at the set of co-ordinates is compared against each unsigned integer in the table (Fig. 2) until a match is found in Figs. 2-3 and in column 9, lines 1-15.

As for claims 6, 15, DOYLE teaches that when a match is found, the corresponding selectable control area (Fig. 1, item 21) is then established using the table (Fig. 2) in Figs. 2-3 and in column 9, lines 1-15.

As for claims 7, 16, DOYLE teaches that a selectable control area (Fig. 1, item 21) can be any arbitrary shape so long as the color mask region corresponding to that arbitrary shape can be filled with a single color in Fig. 1 and in column 7, lines 9-11. The controllable items (21) represented on the display have various shapes such as a lamp, chair, sofa or table and hence the fact that the controllable area can take these various shapes indicates that the selectable control area of the apparatus of DOYLE is able to take can any arbitrary shapes (see column 7, lines 16-17).

As for claim 8, DOYLE teaches that the arrangement or design of the different selectable control areas (Fig. 1, item 21) is updatable to a different arrangement or design by altering the bit map (Fig. 2) of the control areas (Fig. 1, item 21) and the color mask (Fig. 1) in column 11, lines 5-10.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over DOYLE (US Patent No: 4,847,604).

As for claim 9, DOYLE fails to teach that altering the bit map of the control areas and the color mask is performed using a ***paint application***.

Examiner takes ***official notice*** that it is well known to alter the bit map of the control areas and the color mask is performed using a paint application.

It would have been obvious to one with ordinary skill in the art at the time the invention was made to use a paint application with the apparatus of DOYLE because it enables the user to utilize a user friendly GUI to manipulate the device.

Response to Arguments

Applicant's arguments filed 16 May 2007 have been fully considered but they are not persuasive.

Applicant argues that there is *"no one-to-one correspondence between a color index and a color (Remarks 11)."* This argument is not persuasive. First of all, the amended claim language fails to specify that there must be a one-to-one correspondence between a color index and color. The claim language seem to suggest that there must be a one-to-one correspondence between the **device control actions** and a **color of a predefined lookup table** (claim 1, lines 4-5); and that there must be a one-to-one correspondence between the **selectable control areas of the display** with the **different colors of the color mask** (claim 1, lines 6-7). Second, with the interpretation as suggested in the claim language, the teaching of DOYLE meets the claim limitations. The device control actions or selectable control areas of the display (DOYLE, Fig. 1; items 21, 23) clearly have a one-to-one correspondence with the color of a predefined lookup table or colors of a color mask (DOYLE, Fig. 2; item 27). Also note that Applicant defined color as:

> The color value may be encoded in any reasonable way such as, but not limited to, representing the color value as unsigned integer (section [0048])...[s]o long as each region in the color mask has a unique value, any color (which term also includes grey scale) combination can be used.

In other words, Applicant seems to define *"color"* as any combination of color values as long there is a "unique combination" for each region of the color mask. DOYLE teaches that the color mask (Fig. 2, item 27) clearly has a unique combination (there is a one-to-one ration between the index and the pointer of table 27).

Applicant argues that DOYLE teaches that *"[t]he range of indices are then used to indicate the objects (Remarks 11)."* Applicant further argues that DOYLE teaches away from the invention because the use of color indices uses a considerable amount of memory space (Remarks 12). This argument is not persuasive. First of all, the original Specifications fails to teach that a certain size range must be used in order to preserve memory space. Second, the Specification seems to suggest that the size of the mapping range seems to be irrelevant as long as there is a unique value fore each region of the color mask (see argument above).

Applicant argues that "the same color can appear several times in the color map (Remarks 12)." This argument is not persuasive. Applicant defines color to be a combination of color values (see above, DOYLE, Fig. 2, items SEG. 1-3) which has a one-to-one correspondent with the color mask (DOYLE, Fig. 2, item 27).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tammy Pham whose telephone number is (571) 272-7773. The examiner can normally be reached on 8:00-5:30 (Mon-Fri).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sumati Lefkowitz can be reached on (571) 272-3638. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TP
20 July 2007

Tammy Pham
Patent Examiner
Art Unit 2629

SUMATI LEFKOWITZ
SUPERVISORY PATENT EXAMINER